

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

H.T. SMITH,

Plaintiff,

v.

Governor NATHAN DEAL, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:17-CV-425 (MTT)

ORDER

United States Magistrate Judge Charles H. Weigle has screened the Plaintiff's operative complaint (Doc. 13) in this Section 1983 case pursuant to the Prison Litigation Reform Act. Doc. 14. The Magistrate Judge ordered the Plaintiff's excessive force claims against "Defendant Corrections Officer Smith" to proceed for factual development and for Defendant Smith to be served. *Id.* at 1-2.¹ The Magistrate Judge recommends dismissing without prejudice the Plaintiff's claims against Defendants Kenneth Farley and Governor Nathan Deal for failure to state a claim upon which relief may be granted. *Id.* at 2, 4-5.² The Plaintiff has not objected to the recommendation.

Pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of

¹ The process receipt was returned unexecuted with the following note written on it: "package returned by jail—more info needed." Doc. 17 at 1. On April 3, 2018, the Magistrate Judge ordered the Plaintiff to remedy the service defect by providing the Court with additional information with which to identify Defendant Smith. Doc. 18.

² The Magistrate Judge also noted that the Plaintiff was ordered to recast his complaint and was informed that the recast complaint would supersede and replace his earlier complaints. Doc. 14 at 2 n.2. Accordingly, when the Plaintiff did not identify individuals as defendants whom he had previously identified as defendants, the Magistrate Judge directed the Clerk of Court to terminate those previous defendants from the case. *Id.*

the Magistrate Judge. The Recommendation (Doc. 14) is **ADOPTED** and made the order of this Court. Accordingly, the Plaintiff's claims against Defendants Farley and Governor Deal are **DISMISSED without prejudice**.

SO ORDERED, this 6th day of April, 2018.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT